

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

APR 7 2009

KENNETH KEITH WILBURN,

Petitioner,

v.

DAVID PARKER, Warden,

Respondent.

WILLIAM P. GUTHRIE
Clerk, U.S. District Court

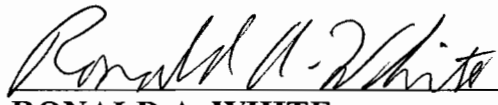
By _____
Deputy Clerk

No. CIV 07-042-RAW-KEW

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has filed a motion requesting the court to appoint counsel. He bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of petitioner's claim, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *See also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, petitioner's motion [Docket #18] is DENIED.

IT IS SO ORDERED this 7th day of April 2009.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE